



Federal Communications Commission
Washington, D.C. 20554

DA 07-3525

August 6, 2007

Mr. Donald Collopy
American Satellite Uplink
105 Alexander Ct
Nanuet, NY 10954

Re: Call Sign E070154
File No. SES-LIC-20070719-00971

Dear Mr. Collopy:

On July 19, 2007, American Satellite Uplink filed the above-captioned application for authority to operate a new Conventional Ku-Band¹ transmit-only Temporary-Fixed earth station. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refile.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. American Satellite Uplink's application is incomplete, rendering it unacceptable and subject to dismissal. The deficiencies are as follows:

Question 28 of Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for new transmitting facilities such as the one proposed.² American Satellite Uplink's application did not include this required exhibit.

Further, in response to item E49 of Schedule B, American Satellite Uplink lists 37.08 dBW/4kHz as the maximum EIRP density per carrier for emission 36M0G7W. Subtracting the 49.63 dBi antenna gain listed in response to item E41/42 corresponds to a power density of -12.55 dBW/4 kHz at the input of the antenna flange. This value exceeds the maximum power density of -14 dBW/4 kHz for routinely authorized earth stations in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). The application lists ALSAT-designated satellites as points of communication for the earth station. Applicants requesting authority for non-routine earth stations may not use the "ALSAT" designation as its intended points of communication.³ Rather,

¹ 14.0-14.5 GHz.

² 47 C.F.R. § 1.1307(b).

³ Amendment of the Commission's Regulatory Policies to Allow Non-U.S. -Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No.96-111, 15 FCC Rcd 7207-7210 n.19.

these applicants must identify specific satellites as points of communication. American Satellite Uplink's application does not comply with this requirement.

Additionally, in accordance with Section 25.220(f)(2) of the Commission's rules, 47 C.F.R. §25.220(f)(2), applicants requesting authority for non-routine earth stations must submit a certification described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. §25.220(e)(1), from each target satellite operator. American Satellite Uplink's application does not include these certifications. Therefore, the application is incomplete.

While we dismiss the application on the grounds discussed above, we take the opportunity to apprise American Satellite Uplink of another issue with the application should it choose to refile.

American Satellite Uplink indicated in response to Question 25 of Form 312 that the station is a Temporary-Fixed earth station. In response to items E11 and E12 of Schedule B, however, it lists specific latitude and longitude coordinates. Section 25.277(a) of the Commission's rules, 47 C.F.R. §25.277(a), states that if an earth station is to provide services at a single location for longer than six months' duration it be classified as a Fixed-earth station rather than a Temporary-Fixed earth station. Please clarify, in any refiling, whether the proposed earth station should be licensed as a Fixed or Temporary-Fixed earth station.

In light of the above, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss American Satellite Uplink's application without prejudice of refiling.⁴

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

⁴ If American Satellite Uplink refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).